

Incorporated originally by an 1821 Act of Assembly.

1989, c. 124 (§ 39).

hereafter be amended, are hereby conferred on and vested in the town. (1938, c. 44; 1973, c. 100)

§ 3. The municipal authorities of said town shall consist of a mayor and a council of six members, one of which councilmen shall be vice-mayor as hereinafter set forth, unless and until this form be changed in a manner prescribed by law. All persons who are qualified voters of the town of Clarksville shall be eligible to any of said offices. The terms of all of said offices shall begin and continue for such length of time as is prescribed by law, unless otherwise hereinafter set out. All the corporate powers of said town shall be exercised by the said council, or under its authority except when otherwise provided. (1938, c. 44)

§ 4. All corporate powers, legislative, financial and police authority vested in the town of Clarksville by law, shall be, and is hereby vested in the mayor and council of six members, all to be elected at large from the qualified voters of the town of Clarksville, except as hereinafter provided, to serve until their successors are elected and qualify. (1938, c. 44; 1979, c. 422)

§ 5. The mayor and three town council members will be elected from the town at large on the first Tuesday in May, 1974, and three council members and the mayor biennially thereafter. Councilmen and the mayor shall be qualified electors of the town. The newly elected mayor and council members shall assume office the first day of July following each election and shall serve for terms of four years (except the mayor, who will serve for a term of two years) and until their successors are appointed or elected and qualified as provided by law. (1938, c. 44; 1966, c. 72; 1973, c. 100)

§ 6. The town council may appoint such officers of the town as they deem necessary. Such officers may include, but shall not be limited to a town manager, a town clerk and a town attorney. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this charter, by the laws of the Commonwealth or by the town council. The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. Officers and deputies and assistant officers appointed by the town council, shall serve at the will and pleasure of the town council. The town council may appoint the same person to more than one appointive office, at the discretion of the town council, subject to the provisions of Article VII, Section 6 of the Virginia Constitution. The town manager shall be the executive officer of the town, and shall be responsible to the town council for the proper administration of the town government. It shall be the duty of the town manager to:

- (a) Attend all meetings of the town council, with the right to speak but not to vote.
- (b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.
- (c) Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption.
- (d) Prepare in suitable form for publication and submit to the town council at the next regular meeting following the end of each fiscal year, a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year.

(e) Present adequate financial and activity reports as required by the town council.  
(f) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(g) Perform such other duties as may be prescribed by this charter, or required of him in accordance therewith by the town council, or which may be required by the chief executive officer of a town by the general laws of the Commonwealth.

All employees of the town, except those appointed by the town council, pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. The town council shall designate by ordinance a person to act as town manager in the case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. Until such time as the town council appoints any such town manager, the duties and powers outlined herein shall be given the mayor, or such other person as may be designated by the town council.

The town clerk shall be the clerk of the town council. He shall keep the journal of the proceedings and shall record all ordinances and resolutions in a book or books kept for the purpose. He shall be the custodian of the corporate seal of the town and shall be the officer authorized to use and authenticate it. He shall perform such other duties and keep such other records as the town council may specify or the general laws of the Commonwealth require of town clerks. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall be ex officio the assessor of the corporation with like powers and duties as a commissioner of the revenue in the assessments of the property for State and county taxation, and shall make and preserve a book in which the real estate of the town is assessed and one in which the personal property of the town is assessed for taxation, and shall return the same to the council at such time as it may prescribe for its inspection and approval. The assessment of real estate and personal property for the purpose of taxation, shall be the same as the assessment thereof, for the purpose of State and county taxes, if assessed for taxation by the State or county of Mecklenburg.

The town attorney shall be the legal adviser of the town council. He shall represent the town in all legal affairs as may be requested by the mayor, town council, or by an officer of the town appointed under the provisions of this charter. The town may employ the Commonwealth's Attorney of Mecklenburg County for criminal prosecutions.

The town treasurer shall collect the town taxes and licenses, and shall have the power to levy and sell for collection as given to county treasurers.

Any appointive officers or employees of the town may be appointed and serve whether or not the appointee be a resident or nonresident of the town. (1938, c. 44; 1952, c. 94; 1973, c. 100; 1979, c. 422)

§ 7. The mayor and councilmen shall each, on or before the first day of the term for which they were elected, make and subscribe an oath of affirmation that they will truly, faithfully and impartially discharge the duties of their said office to the best of their abilities, so long as they shall continue therein, taking said oath before a notary public or some other officer authorized to administer oaths, a record of such to be entered in the town records. (1938, c. 44)

§ 8. The mayor shall preside over the meetings of the town council and shall have the same right to speak therein as other members of the town council; however, he shall vote only when they are equally divided. He shall be recognized as the head of the town government for all ceremonial purposes, for the purpose of military law and for the service of civil process. (1938, c. 44; 1973, c. 100; 1979, c. 422)

§ 9. At or before its first meeting in July in even-numbered years, the council shall elect one of its members to be vice-mayor who shall preside at such meetings in the absence of the mayor, and who, when the mayor is unable to perform any or all such duties so entrusted to the mayor, shall be designated acting mayor by a majority vote of the other members present. The vice-mayor, when acting as mayor, shall have all the duties and responsibilities of the position of mayor. The vice-mayor shall be entitled to a vote on all questions just as any other member except when he presides at a council meeting, at such time he shall vote only when it is necessary to break a tie. (1938, c. 44; 1952, c. 94; 1973, c. 100; 1979, c. 422)

§ 10. (1938, c. 44; 1973, c. 100; repealed, 1979, c. 422)

§ 11. The presence of at least four councilmen shall be necessary to make a quorum for the transaction of business. The town council shall fix the time of their stated meetings and they shall meet at least once a month. The mayor or vice-mayor when acting as mayor shall have the authority to call a special meeting of council at any time. Special meetings may also be called at any time by three members of the town council. All members shall be duly notified a reasonable period of time prior to any special meeting. If both the mayor and vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present or able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers or duties of the mayor, except as expressly stated in this section. (1938, c. 44; 1979, c. 422)

§ 12. The town council is hereby authorized to fix the salaries of each of the members of the town council, mayor, members of board or commissions and all appointed officers and all employees of the town, at a sum not to exceed any limitations placed by the laws and Constitution of the Commonwealth of Virginia. The salaries of the mayor and town council shall be fixed by the council in August to be effective September one of each oddnumbered year and shall not be increased or diminished during the following two-year period. (1938, c. 44; 1973, c. 100)

§ 13. The Treasurer, Clerk and policeman and such other officers and employees as may be required by the council so to do, shall before entering upon the duties of their offices or at such other time as the council may require, execute before the council of the said town or other officers of said town, proper bond with security and conditioned as the council may direct. The bonds of the Clerk, Treasurer or other officers from whom bonds may be required shall be conditioned for the faithful performance of their respective duties as such and for the proper collection and accounting for all money and securities which shall come into their hands, respectively, or which shall be their

respective duty to collect at such time as the council may order and to pay over all moneys and securities under proper order of the council to those entitled to the same, and such other conditions as the council may direct. (1938, c. 44)

§ 14. If any one who shall have been duly appointed or elected by the council Clerk, Treasurer, policeman or for any other position shall refuse or neglect to take the oath of affirmation, or to give the bond required within the time prescribed. the council for the time being shall declare his said office vacant and shall forthwith fill such vacancy for the unexpired term, by majority vote of the entire council. (1938, c. 44)

§ 15. Vacancies in the office of mayor and on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the remaining members of the council. (1938, c. 44; 1973, c. 100; 1979, c. 422)

§ 16. (1938, c. 44; repealed, 1979, c. 422)

§ 17. If the said treasurer shall fail to account for and pay over all of any moneys that shall come into his hands when thereto required by the council, it shall be lawful for the council, in the corporate name of the town, by motion before any court of record held in Mecklenburg county, to recover from the said treasurer and his sureties or their personal representatives, any sums that may be due from the said treasurer to said town on ten days notice. But this action shall not be construed to prevent the bringing of any action by the town which it might have brought had this section not have been passed. (1938, c. 44)

§ 18. If a policeman, treasurer, officer or employee shall fail to collect, account for, and pay over all taxes, fines and other revenues of the town coming into their hands for collection or safekeeping, according to the conditions of their respective bonds, it shall be lawful for the council to recover the same by motion in the corporate name of the town before any court of record in the said county of Mecklenburg, against the policeman, treasurer, officer or employee and sureties of either on his bond, or any or either of them, his or their executors, or administrators, on giving ten days' notice of the same. But this action shall not be construed to prevent the bringing of any action by the town which it might have brought had this section not have been passed. (1938, c. 44)

§ 19. (1938, c. 44; repealed, 1973, c. 100)

§ 20. (1938, c. 44; repealed, 1973, c. 100)

§ 21. At each regular meeting of the council the proceedings of the last regular meeting and all special meetings since same, shall be read to the council and shall thereupon be corrected if erroneous, and signed by the person presiding for the time being. Upon the call of any member, the ayes and nays on any question shall be called and recorded in the journal or minute book; but by unanimous vote of the members of the council present the reading of the minutes may be dispensed with. It shall be the duty of the clerk to assess all properties, the assessment of which may have been omitted by the county or State. (1938, c. 44)

§ 22. Any appointed officer may by a three-fourths majority of the council be removed from office for good and sufficient cause and the unexpired term shall be filled by a majority vote of the entire council, but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defense. (1938, c. 44; 1973, c. 100)

§ 23. The council shall cause to be annually made up and entered upon its journal or minute book an account and estimate or budget of all sums which are, or may become

lawfully chargeable to the said town, which ought to be paid within one year; and it shall order a town levy of so much as in its opinion is the amount which should be raised from taxes, license and other sources for said purposes. (1938, c. 44)

§ 24. It shall be the duty of the treasurer, or any person specifically ordered by the council to collect the taxes and/or the income and revenue of the town, to account for and pay the same to such person or persons and at such times as the council may order; and at such times as the council may prescribe to render an account to the council showing his receipts and disbursements of the money which he has or should have collected, and to account for all taxes and other revenues which have been placed in his hands for collection and to return therewith a list of such as he shall have been unable with due diligence to collect, to which list the officer so rendering it shall make oath that he has used due diligence to collect the same, but has been unable to do so. (1938, c. 44; 1979, c. 422)

§ 25. All moneys belonging to said town shall be paid over to the treasurer, and disbursed as directed by a majority vote of the council. He shall keep regular accounts with the town, crediting it by all moneys received, and, which by due diligence he might have received, and charging it with all moneys so disbursed, which books, as well as others relating to the business of the town, shall be open at any time to the inspection of the council or any member or agent thereof. He shall annually on the thirty-first day of August, or as soon thereafter as practicable, settle his accounts with the council or a committee thereof and at the same time he shall furnish a statement of all moneys received by him during the preceding year, and of all disbursements made. (1938, c. 44; 1973, c. 100)

§ 26. The treasurer shall collect all the town taxes, licenses and other revenues, except as may be specifically otherwise ordered by the council, and shall have the power one month after he shall have received the books, of the assessor of the said town, to distrain and sell therefor in like manner as a county treasurer may sell and distrain for State taxes, and shall have in all other respects the same powers as a county treasurer to enforce the payments and collections thereof; and he and his securities shall be liable to all fines, penalties and forfeitures that a county treasurer is legally liable to for any failure or dereliction in his said office, to be recovered in the same manner and before the said courts that said fines, penalties and forfeitures are now recoverable against the county treasurer. (1938, c. 44; 1979, c. 422)

§ 27. (1938, c. 44; repealed, 1973, c. 100)

§ 28. The council so constituted shall have powers within said town to lay off, open, curb and pave streets, alleys, walks and gutters for the public use, and to alter, improve and light the same and have them kept in good order and free from obstruction on, over, under and through them; to regulate the width of sidewalks, and to order the sidewalks, footways and gutters to be kept free and clean and also may require the owners or occupants of property facing on such sidewalks to keep them free and clean; to lay off public grounds, and to provide contract for and take care of all public buildings proper for the needs of the town; to establish and regulate markets; to prescribe the time for holding the same and what articles shall be sold only in such markets; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to protect the places of divine worship and about the premises where held; to abate or cause to be abated anything which, in the opinion of a majority of the whole

council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles or explosives; to provide in or near the town places for the burial of the dead, and to regulate interments therein the town; to provide for and regulate building of houses or other structures and for making of division fences and for the drainage of lots; to make regulations and provisions for guarding against danger or damages from fire; to establish and regulate fire zones in said town; to provide for the poor of the town; to provide a revenue for the town and appropriate the same to its expenses and to provide the annual assessment of taxable property in the town; to adopt its own rules for the transaction of business and for the government and regulation of its own body; to promote the general welfare of the town, and to protect the property of persons therein; to keep a town guard; to appoint and order out a patrol for the town in like manner and for like purposes within the same as the patrol may be ordered out by the circuit court or justice within the county; to require and take from the policemen, treasurer and clerk bonds and sureties, in such penalty is the council may see fit, conditioned for the true and faithful discharge of their duties (all bonds taken by tile council shall be made payable to the town by its corporate name); to permit or prohibit the establishment of new places for the interment of the dead in or near the town, and to regulate the same; to erect or authorize or prohibit the erection of gas works or water works or gasoline tanks in or near the town and to regulate the transportation and sale of gas or gasoline or other explosives in or through the town; to prevent injuries or pollution, or danger to the water and healthfulness of the town; to receive gifts of real or personal property either by will or otherwise (for all which purposes named in this clause, except that of taxation, the council shall have jurisdiction for one mile beyond the town); to regulate and provide for the weighing and measuring of hay, coal and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets. (1938, c. 44)

§ 29. (1938, c. 44; repealed, 1979, c. 422)

§ 30. To carry into effect those enumerated powers, and all other powers conferred upon cities and towns, or its council; expressly or by implication, in this or any other Acts of the General Assembly of Virginia, the council shall have power to make and pass all needful orders, by-laws and ordinances not contrary to the Constitution of the United States, and to prescribe, impose and enact reasonable fines not exceeding one thousand dollars, and penalties, or imprisonment in the county jail for not exceeding twelve months, or both such fine and imprisonment (except that in case of contempt the imprisonment in jail should not be for more than ten days or a fine of more than twenty dollars), or to enforce the collection of a fine which fines, penalties and imprisonment shall be recovered under the judgment of the mayor of said town, or by the person lawfully exercising his functions. And the authorities of said town may, with the consent of the circuit court of said county, entered of record, have the right to use the jail of said county of Mecklenburg for any purpose for which the use of a jail may be needed by them, under the acts of the council or of the State. (1938, c. 44)

§ 31. All policemen shall have the power to exercise within the corporate limits of said town and in the county of Mecklenburg within one mile of the corporate limits of said town all the duties that a constable can legally exercise in regard to the collection of claims executing and levying processes, and he and his sureties shall be liable to all fines, penalties and forfeitures that a constable is legally liable to, for a failure or dereliction in his said office, to be recovered in the same manner and before the same court that said

finances, penalties and forfeitures are now recoverable against a constable. (1938, c. 44; 1973, c. 100)

§ 32. The council may regulate any theatrical performance, entertainment, show, public dance hall, pool room or any other entertainment or exhibition, or if they deem any one of them injurious to the morals or good order of the town they may prohibit the same. (1938, c. 44)

§ 33. The said council shall have the power to make such ordinances, by-laws, orders and regulations as they may deem necessary to prevent hogs, dogs, or other animals from running at large or doing injury or annoying persons or property in the limits of the corporation, and may subject the same to such fines, regulations and taxes as they may deem proper and which fines and taxes shall constitute liens on same, and said animals may be sold or killed after ten days' notice, to enforce payment of said fines and taxes. (1938, c. 44)

§ 34. The council shall not take or use any private property for streets or other public purposes, without making to the owner or owners thereof just compensation for the same; but in all cases where the said corporation cannot be an agreement, obtain title to or an easement in the ground necessary for the purposes, it shall be lawful for said corporation to apply to the Circuit Court of Mecklenburg County for authority to condemn the same, either within or beyond the corporate limits of said town of Clarksville, which shall be applied for and proceeded with according to law. The powers of eminent domain set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the town. (1938, c. 44; 1973, c. 100)

§ 35. Whenever any business, profession, trade, occupation, amusement, or solicitation of any business, services or trade, by outoftown residents, or those residing within the corporate limits, of whatever kind or nature, legal under the Constitution of the United States or Acts of Congress thereunder, and the Constitution and laws of the State of Virginia, be performed, transacted, rendered or done within the said town, the council may, unless prohibited by general law, require a license for doing the same, and may impose a tax thereupon for the use of the town, whether or not the laws of the State of Virginia require such license; and the council may require from the said person so licensed, a bond with sureties in such penalty, and with such conditions as it may think proper. Said council may also grant or refuse license to owners or keepers of wagons, drays, carts or motor vehicles, in the town, and may require taxes to be paid thereon, and subject to the same to such regulations as they may deem proper. (1938, c. 44)

§ 36. The council shall not have the power to contract or authorize the contracting of any debt or liability or make any appropriation of money without concurrence of at least four members of the council, entered on the journal or minute book. (1938, c. 44)

§ 37. (1938, c. 44; repealed, 1973, c. 100)

§ 38. (1938, c. 44; repealed, 1979, c. 422)

§ 39. The levy so ordered may be upon all the real estate within the said town which is not exempt from taxation, and on all such other property and subjects, subject to local taxation, not prohibited by law; provided that before any bonded debt shall be created by the said council for which money is to be borrowed, the council, if it shall deem it to be to the interest of the corporation to create such debt, evidenced by a recorded vote of a majority of its members, shall hold a public hearing for citizen input. After holding a public hearing the said council may issue and sell the bonds of the said



corporation, and said bonds shall be issued in such denominations and bear such interest, commonly thought to be the best rate, said interest to be payable quarterly, semi-annually or annually, as the council may prescribe. The council may select a depository for the money arising from the same or negotiations of the said bonds, and they may require such security therefor as may be approved by a majority of the council, but if they shall choose a national bank or banks as depository or depositories no security shall be required unless specifically ordered. (1938, c. 44; 1979, c. 422; 1989, c. 124)

§ 40. The council is empowered, however, by a majority vote of the members present to borrow funds deemed necessary and proper for interest payment, bond retirements, street, water and sewer improvements and maintenance and any other expense in the operation of the town affairs and to execute and deliver notes as evidence of any such debt created by money so borrowed. (1938, c. 44)

§ 41. The revenues from these and other sources shall be collected, paid over and accounted for at such time and to such persons as the council shall order, and the said council shall have the further power and authority to designate the time of the year for which taxes are assessed shall begin, except when otherwise provided by the State. (1938, c. 44)

§ 42. There shall be a lien on the real estate within said town for the town taxes assessed thereon, from the commencement of the year for which they are assessed. When any of said taxes are returned delinquent a list of the same shall be returned to the clerk of the circuit court of the county of Mecklenburg, and be by him entered in a book furnished by the said town, and kept in his said office, the form and manner of entering the same to be similar to that provided by law for the record of delinquent taxes on real estate due the State or county. In said book there shall also be columns in which shall be entered the names of purchasers, the amount and date of sale or real estate sold for delinquent taxes as provided in this charter. When the taxes so returned delinquent are entered into said record as herein provided, the same shall be held to be constructive notice of the lien thereof, and the said real estate shall be liable thereto as against creditors, and in the hands of purchasers or other persons into whose hands the said real estate may pass. And the said real estate may be sold for taxes as provided in this charter, whether owned by the persons in whose name it was assessed or not. After said real estate has been so sold for taxes the same may be redeemed within such time and by such persons and upon such terms as is provided by law for the redemption of lands sold for State and county taxes, except that the money paid for such redemption shall be paid to the treasurer of the town of Clarksville. Upon such redemption of said real estate the Treasurer shall issue to the persons so redeeming it a certificate to that effect, which certificate shall be presented to the mayor of the town, who shall countersign the same, and the same when so countersigned shall be presented to the clerk of the circuit court of the county of Mecklenburg, who shall thereupon mark in the said record the redemption of the said real estate, the name of the party redeeming it, and the date thereof, and shall preserve such certificate in his office. The clerk shall receive for his services a fee of ten cents for each lot of land so entered in such record, a fee of ten cents for the entry of such sale of real estate as is provided in this charter, and a fee of twenty-five cents for such redemption so entered, to be paid by the town of Clarksville, and which shall be charged against and be a lien upon said land along with the taxes against the same. At the expiration of the time within which said real estate may be redeemed, if the same has not

been redeemed as herein provided, the clerk of the town of Clarksville shall execute to the purchaser thereof a deed conveying the same in like manner as is prescribed by law for the conveyance of real estate by the clerk of the county which has been sold for delinquent taxes to the State and such deed shall convey title as would be conveyed had the same been sold for State or county taxes. (1938, c. 44)

§ 43. The circuit court of Mecklenburg county on application of the council may order real estate, delinquent for the non-payment of taxes, to be sold by the treasurer of said town at public auction for such taxes at such times as it shall direct; said sale and the advertisement thereof, to be made in conformity, as near as may be, to the State law with reference to the sale of delinquent land. When such sale has been made the same with the date thereof, the name of the purchaser and the amount for which the said real estate sold shall be entered by the clerk in the record of delinquent real estate provided for in § 42. (1938, c. 44)

§ 44. All the right, privileges and properties of the said town heretofore acquired and possessed, owned and enjoyed by any act now in force, not in conflict with this act, shall continue undiminished and remain vested in the said town under this act, and all laws, ordinances, acts and resolutions of the council now in force, not inconsistent with this act, shall be and continue in full force and effect until regularly repealed by a council elected as provided under this act. (1938, c. 44; 1973, c. 100)

§ 45. The town council shall establish its own rules of order and procedure. (1973, c. 100)

§ 46. All ordinances of the town, so far as they are applicable shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1973, c. 100)

§ 47. (1973, c. 100; repealed, 1979, c. 422)

§ 48. (1973, c. 100; repealed, 1979, c. 422)